

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

AUG 27 2018
JULIA C DUDLEY, CLERK
BY: *[Signature]*
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UNITED STATES OF AMERICA)
v.) Case No. 4:18cr00012
DASHAWN ROMEER ANTHONY, et al.) By: Michael F. Urbanski
) Chief United States District Judge

ORDER

On August 2, 2018, the court entered an order directing defendants to file any motions to dismiss counts of the Indictment based on the definition of a crime of violence under § 924(c) within thirty days, directing the government to respond to these motions within thirty days, and providing fourteen days for defendants to file any replies. ECF No. 139. Defendant Dashawn Romeer Anthony moved to extend the time for filing this motion until after the United States Court of Appeals for the Fourth Circuit's decision in United States v. Simms, No. 15-4640. ECF Nos. 161–62. Defendants Jermay Smith, Jr., Tredarius Jameriquan Keene, Javontay Jacquis Holland, Demetrius Allen Staten, and Tanasia Lashae Coleman join this motion. ECF No. 162. The government does not object to the motion as long as it receives thirty days to respond to defendants' motions.

This case has been designated as complex due to the numerous defendants charged across the four related cases, the death-eligible offenses charged, and the government's extended process for determining whether to seek the death penalty. ECF No. 148. During the status conference held in these cases, all parties involved acknowledged that the government's death-penalty determination is likely to take several months and that the trials involving death-eligible offenses will not be scheduled within this calendar year. To the

court's knowledge, the defendants interested in filing these motions regarding the § 924(c) counts are subject to a number of charges and would not be eligible to be dismissed from this action regardless of the result of these motions.

Accordingly, the briefing deadlines set by this court's order entered on August 2, 2018 (ECF No. 139) are **STAYED** pending the Fourth Circuit's decision in United States v. Simms, No. 15-4640. Defendants are **DIRECTED** to file any motions to dismiss counts of the Indictment based on the definition of a crime of violence under § 924(c), or any supplemental briefs in support of currently filed motions, within **thirty (30) days** of the date of the Fourth Circuit's entry of decision in Simms. The government is **DIRECTED** to file its response within **thirty (30) days** of the defendants' motions. Defendants may file any replies within **fourteen (14) days** of the government's responsive brief. Should the court deem oral argument necessary, the motions will be heard during the next scheduled status conference.

It is **SO ORDERED**.

Entered:

08-25-2018

Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge